

Message Text

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TAGS: WIPO

SUBJECT: WIPO GROUP OF EXPERTS ON INDUSTRIAL PROPERTY
ASPECTS OF CONSUMER PROTECTION, JULY 3-5, 1978

WHITE HOUSE PASS TO CAVAGNERO, FTC PASS TO GRIMES

1. SUBJECT MEETING WAS HELD AS SCHEDULED. PROF GLENN WESTON OF GEORGE WASHINGTON UNIVERSITY WAS ELECTED CHAIRMAN. DEVELOPING COUNTRIES REPRESENTED INCLUDED ARGENTINA, MEXICO, TUNISIA AND ZAMBIA. DEVELOPED COUNTRIES REPRESENTED INCLUDED CANADA, FEDERAL REPUBLIC OF GERMANY AND US. REPRESENTATIVES OF ALGERIA AND PHILIPPINES WERE ASKED BUT FAILED TO ATTEND. NO SOCIALIST COUNTRIES WERE REPRESENTED, ALTHOUGH WIPO SECRETARIAT HAD ASKED FOR REPRESENTATIVES. IOCU AND UN CENTRE ON TRANSNATIONAL CORPORATIONS WERE REPRESENTED AS OBSERVERS. EXPERTS ALL APPEARED IN INDIVIDUAL CAPACITIES.

2. THE AGENDA CONSISTED OF DISCUSSING A LIST OF POSSIBLE TOPICS FOR FUTURE STUDY PREPARED BY THE WIPO SECRETARIAT. MANY OF THE TOPICS HAD NO PARTICULAR RELATION TO INDUSTRIAL PROPERTY. IN PARTICULAR, SECRETARIAT HAS INTERPRETED ARTICLE 10 BIS OF THE PARIS CONVENTION AS GIVING WIPO A
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BROAD MANDATE AGAINST UNFAIR COMPETITION, POSSIBLY INCLUDING ALL MISLEADING REPRESENTATIONS IN ADVERTISING OR LABELLING OF PRODUCTS. OTHER TOPICS OF CONTROVERSY INCLUDED THE EXTENT TO WHICH QUALITY STANDARDS SHOULD BE SET AND ENFORCED INTERNATIONALLY AND POSSIBLE METHODS OF PREVENTING OR REDRESSING CONSUMER INJURY CAUSED BY ABUSE OR MISUSE OF INDUSTRIAL PROPERTY.

3. WIPO SECRETARIAT OBTAINED CONSENSUS APPROVAL, OVER OBJECTIONS OF SOME DELEGATES, INCLUDING U.S., OF A DRAFT REPORT CALLING FOR FURTHER WIPO SECRETARIAT STUDY OF A BROAD RANGE OF TOPICS IN THE CONSUMER PROTECTION FIELD, USING CONSULTANTS TO THE EXTENT THAT U.S. MAY WISH TO RESTRAIN FURTHER GROWTH OF WIPO BUDGET IN THIS AREA, U.S. REP TO GOVERNING BODY MEETING IN FALL 1978 SHOULD BE AWARE OF THE CIRCUMSTANCES OF ISSUANCE OF THIS REPORT. IF FURTHER WORK IS APPROVED, THE NEXT STEP SHOULD BE HOLDING ANOTHER EXPERT GROUP MEETING TO CONSIDER THE STUDY BY THE WIPO SECRETARIAT.

4. OVERALL, DEVELOPING COUNTRY DELEGATES TENDED TO BE EITHER FROM CONSUMER PROTECTION AGENCIES OR DEVELOPMENT ORGANIZATIONS. THEY HAD NO PARTICULAR EXPERTISE IN INDUSTRIAL PROPERTY. THEY WERE CONCERNED WITH MEANS TO PROTECT CONSUMERS FROM ABUSES. DEVELOPED COUNTRY DELEGATES TENDED TO BE EXPERTS IN INDUSTRIAL PROPERTY, WITHOUT SIGNIFICANT EXPERTISE IN CONSUMER PROTECTION, EXCEPT U.S. DEL (FISCHBACH). THEY TENDED TO BE CONCERNED WITH PROTECTION OF HOLDERS OF INDUSTRIAL PROPERTY RIGHTS. DISCUSSIONS TENDED TO POLARIZE BETWEEN POSITION OF U.S. PRIVATE SECTOR REP (PATTISHALL), WHO INSISTED THAT THERE WAS NO CONSUMER PROTECTION INTEREST IN INDUSTRIAL PROPERTY EXCEPT POSSIBLY IN PREVENTING PASSING OFF OF GOODS UNDER MISAPPROPRIATED TRADE-LIMITED OFFICIAL USE

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MARKS, AND NO REASON FOR ANY WIPO STUDY OR ACTIVITY IN CONSUMER PROTECTION, AND ARGENTINE REP (FERRER) AND TUNISIAN REP (ZRIBI) WHO PRESSED FOR WIPO ACTION IN ALL ASPECTS OF CONSUMER PROTECTION.

5. USDEL SUGGESTS THAT, WHILE ANY DUPLICATIONS OF EFFORT WITH OTHER INTERNATIONAL BODIES OR EXPANSIONS OF WIPO BUDGET OR MANDATE SHOULD BE AVOIDED, WIPO IS PROBABLY THE BEST PLACE IN THE UN FRAMEWORK TO STUDY THOSE ASPECTS OF INDUSTRIAL PROPERTY WHICH ARE RELEVANT TO CONSUMER PROTECTION, IF THEY ARE TO BE STUDIED AT ALL. USG SHOULD DECIDE WHETHER FURTHER STUDY IS APPROPRIATE AND INSTRUCT ITS DELEGATES TO WIPO GOVERNING BODY ACCORDINGLY, BEING CAREFUL TO AVOID UNINTENTIONALLY GIVING WIPO AN UNLIMITED MANDATE TO WORK IN THE FIELD OF PRODUCT ADVERTISING. VANDEN HEUVEL

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